

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

VINCENT'S PIZZA PARK, INC.,	)	
	)	
Plaintiff,	)	Case No. 11-01601-GLL
	)	
v.	)	
	)	
B&C PIZZA, INC.,	)	
JOHN J. BELISSIMO, JR. and	)	
JOSEPH CAVA,	)	
	)	
Defendants.	)	

**ORDER OF COURT**

AND NOW, this 9<sup>th</sup> day of March, 2012, upon consideration of both the

Request and Motion for Entry of Default Judgment, filed on behalf of Plaintiff,

Vincent's Pizza Park, Inc., ("Vincent's"), IT IS HEREBY ORDERED as follows:

1. The Trademark and Service Mark License Agreement for the Vincent's Pizza Park located at 998 Ardmore Boulevard, Pittsburgh, Pennsylvania 15221 is terminated as of October 17, 2011, which is the date on which Defendants' counsel received the notice of termination sent by Plaintiff pertaining to the 998 Ardmore Boulevard location;

2. Defendants, as well as their agents, servants, employees, representatives, successors and assigns, and all those acting in concert or participation with them, shall be and hereby are, PERMANENTLY ENJOINED and restrained from:

- a. imitating, copying or making any other infringing use or infringing distribution of any pizza, pizza product, menus, inside and outside signage, or of any other items protected by Vincent's Pizza Park, Inc. registered trademark "Vinnie Pie" Reg. No. 2, 774, 736 and of Vincent's Pizza Park, Inc. registered Service Mark "Vincent's Pizza" Reg. No. 2, 779, 099, or any other works now or hereafter protected by any of Vincent's Pizza Park, Inc. Trademarks;

- b. manufacturing, assembling, producing, distributing, offering for distribution, circulating, selling, offering for sale, advertising, importing, promoting, or displaying any item or thing bearing any simulation, reproduction, counterfeit, copy or colorable imitation of Vincent's Pizza Park, Inc.'s registered Trademark or Service Mark, including, but not limited to, the Trademark and Service Mark Registration numbers listed in Paragraph a. above;
- c. using any simulation, reproduction, counterfeit, copy, or colorable imitation of Vincent's Pizza Park, Inc.'s registered Trademark or Service Mark, including, but not limited to, the Trademark and Service Mark Registration numbers listed in Paragraph a. above, in connection with the manufacture, distribution, offering for distribution, sale, offering for sale, advertisement, promotion or display of any pizza, pizza products and/or pizza shop(s) item or thing not authorized or licensed by Vincent's Pizza Park, Inc.;
- d. using the names, logos or other variations thereof of Vincent's Pizza Park, Inc.'s Trademark protected "Vinnie Pie" and its Service Mark protected "Vincent's Pizza" in any of Defendants' trade or corporate names;
- e. operating the Vincent's Pizza Park at 998 Ardmore Boulevard, Pittsburgh, Pennsylvania 15221;
- f. holding themselves out as authorized Vincent's Licensees;
- g. using trade secrets, confidential information, signs, symbols, slogans and proprietary marks belonging to Vincent's Pizza Park, Inc.;
- h. using Vincent's methods of production, merchandising and sales of pizza and other related products through the use of specially designed equipment, accessories, identification schemes, products, management programs, standards, specifications, processes and proprietary marks, all known as the "Vincent's Pizza System";
- i. using the federally registered Trademark "Vinnie Pie" and/or the federally registered Service Mark "Vincent's Pizza" and affiliated logos and other proprietary rights and marks used in the operation of a Vincent's Pizza licensed location without the express written authorization and agreement of Vincent's Pizza Park, Inc.;
- j. occupying, using or being in or around the premises located at 998 Ardmore Boulevard, Pittsburgh, Pennsylvania 15221 for any reason, or instructing or authorizing any person or entity to enter upon the premises for any reason; and

- k. assisting, aiding or abetting any other person or business entity in engaging in or performing any of the activities referred to in Paragraphs a. through j. above.

3. Defendants shall take all necessary actions and cooperate with Vincent's in the de-identification of the former Vincent's Pizza Park located at the premises located at 998 Ardmore Boulevard, Pittsburgh, Pennsylvania 15221.

IT IS FURTHER ORDERED that default judgment is hereby entered in favor of Plaintiff, Vincent's Pizza Park, Inc., and against Defendant, B&C Pizza, Inc., in the amount of Forty-Two Thousand Seven Hundred Sixty and 33/100 Dollars (\$42,760.33).

The Clerk of Court is directed to mark this case closed.

BY THE COURT:

  
\_\_\_\_\_, C.J.  
Gary L. Lancaster Chief Judge